

ELECTION LAW CHANGES

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill makes changes to Title 20A, Election Code.

Highlighted Provisions:

This bill:

- ▶ clarifies the requirements to be legally entitled to vote when voting in a precinct outside of one's own;
- ▶ changes the date for the Western States Presidential Primary election canvass;
- ▶ changes numerous provisions that require specific placement of various ballot items to more general placement requirements;
- ▶ clarifies that a proposed constitutional amendment is a "measure" for the purposes of Title 20A, Chapter 7, Issues Submitted to the Voters;
- ▶ changes the unaffiliated candidate pledge to include a pledge concerning campaign financial disclosures;
- ▶ changes filing deadlines for certain city, town, or local district offices;
- ▶ allows an unaffiliated candidate for President or Vice President of the United States to use a designated agent to file a certificate of nomination;
- ▶ clarifies that a write-in candidate must file a declaration of candidacy in person or through a designated agent; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-4-107, as last amended by Laws of Utah 2007, Chapters 75 and 285

20A-4-306, as last amended by Laws of Utah 2008, Chapter 225

33 **20A-6-101**, as enacted by Laws of Utah 1994, Chapter 2
34 **20A-6-301**, as last amended by Laws of Utah 2008, Chapters 225 and 315
35 **20A-6-303**, as last amended by Laws of Utah 2008, Chapters 225 and 315
36 **20A-6-401**, as enacted by Laws of Utah 1994, Chapter 2
37 **20A-6-401.1**, as last amended by Laws of Utah 2006, Chapter 326
38 **20A-6-402**, as last amended by Laws of Utah 2008, Chapter 315
39 **20A-7-101**, as last amended by Laws of Utah 2005, Chapter 236
40 **20A-7-210**, as enacted by Laws of Utah 1994, Chapter 1
41 **20A-7-309**, as enacted by Laws of Utah 1994, Chapter 1
42 **20A-7-509**, as enacted by Laws of Utah 1994, Chapter 272
43 **20A-7-609**, as last amended by Laws of Utah 2008, Chapter 237
44 **20A-9-206**, as last amended by Laws of Utah 2008, Chapter 382
45 **20A-9-502**, as last amended by Laws of Utah 2003, Chapter 107
46 **20A-9-503**, as last amended by Laws of Utah 2007, Chapter 329
47 **20A-9-601**, as last amended by Laws of Utah 2008, Chapter 225
48 **20A-11-206**, as last amended by Laws of Utah 2008, Chapter 14
49 **20A-11-305**, as last amended by Laws of Utah 2008, Chapter 14
50 **20A-15-104**, as enacted by Laws of Utah 1995, Chapter 1

52 *Be it enacted by the Legislature of the state of Utah:*

53 Section 1. Section **20A-4-107** is amended to read:

54 **20A-4-107. Review and disposition of provisional ballot envelopes.**

55 (1) As used in this section, a voter is "legally entitled to vote" if:

56 (a) the voter:

57 (i) is registered to vote in the state;

58 (ii) resides within the voting precinct where the voter seeks to vote; and

59 (iii) provided valid voter identification to the poll worker as indicated by a notation in
60 the official register;

61 (b) the voter:

62 (i) is registered to vote in the state; [~~and~~]

63 (ii) (A) provided valid voter identification to the poll worker as indicated by a notation

64 in the official register; or

65 (B) either failed to provide valid voter identification or the documents provided as
66 valid voter identification were inadequate and the poll worker recorded that fact in the official
67 register but the county clerk verifies the voter's identity and residence through some other
68 means; and

69 ~~[(ii)]~~ (iii) did not vote in the voter's precinct of residence, but the ballot that the voter
70 voted is identical to the ballot voted in the voter's precinct of residence; or

71 (c) the voter:

72 (i) is registered to vote in the state;

73 (ii) ~~[the poll worker recorded in the official register that the voter]~~ either failed to
74 provide valid voter identification or the documents provided as valid voter identification were
75 inadequate and the poll worker recorded that fact in the official register; and

76 (iii) the county clerk verifies the voter's identity and residence through some other
77 means.

78 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
79 the affirmation on the face of each provisional ballot envelope and determine if the person
80 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
81 voted.

82 (b) If the election officer determines that the person is not a registered voter or is not
83 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
84 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
85 produce or count it.

86 (c) If the election officer determines that the person is a registered voter and is legally
87 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
88 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
89 those ballots at the canvass.

90 (d) The election officer may not count, or allow to be counted a provisional ballot
91 unless the voter's identity and residence is established by a preponderance of the evidence.

92 (3) If the election officer determines that the person is a registered voter, the election
93 officer shall ensure that the voter registration records are updated to reflect the information
94 provided on the provisional ballot envelope.

(4) If the election officer determines that the person is not a registered voter and the information on the provisional ballot envelope is complete, the election officer shall:

- (a) consider the provisional ballot envelope a voter registration form; and
- (b) register the voter.

Section 2. Section **20A-4-306** is amended to read:

20A-4-306. Statewide canvass.

(1) (a) The state board of canvassers shall convene:

- (i) on the fourth Monday of November, at noon; or
- (ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.

(b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.

(c) Attendance of all members of the state board of canvassers shall be required to constitute a quorum for conducting the canvass.

(2) (a) The state board of canvassers shall:

- (i) meet in the lieutenant governor's office; and
- (ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.

(b) The lieutenant governor, as secretary of the board shall file a report in his office that details:

- (i) for each statewide officer and ballot proposition:
 - (A) the name of the statewide office or ballot proposition that appeared on the ballot;
 - (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;
 - (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
 - (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and
 - (E) the total number of votes cast statewide; and
- (ii) for each officer or ballot proposition voted on in two or more counties:
 - (A) the name of each of those offices and ballot propositions that appeared on the

126 ballot;

127 (B) the candidates for those offices, plus any recorded write-in candidates;

128 (C) the number of votes from each county cast for each candidate and for and against

129 each ballot proposition; and

130 (D) the total number of votes cast for each candidate and for and against each ballot

131 proposition.

132 (c) The lieutenant governor shall:

133 (i) prepare certificates of election for:

134 (A) each successful candidate; and

135 (B) each of the presidential electors of the candidate for president who received a

136 majority of the votes;

137 (ii) authenticate each certificate with his seal; and

138 (iii) deliver a certificate of election to:

139 (A) each candidate who had the highest number of votes for each office; and

140 (B) each of the presidential electors of the candidate for president who received a

141 majority of the votes.

142 (3) If the lieutenant governor has not received election returns from all counties on the

143 fifth day before the day designated for the meeting of the state board of canvassers, the

144 lieutenant governor shall:

145 (a) send a messenger to the clerk of the board of county canvassers of the delinquent

146 county;

147 (b) instruct the messenger to demand a certified copy of the board of canvasser's report

148 required by Section 20A-4-304 from the clerk; and

149 (c) pay the messenger the per diem provided by law as compensation.

150 (4) The state board of canvassers may not withhold the declaration of the result or any

151 certificate of election because of any defect or informality in the returns of any election if the

152 board can determine from the returns, with reasonable certainty, what office is intended and

153 who is elected to it.

154 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant

155 governor shall:

156 (i) canvass the returns for all multicounty candidates required to file with the office of

the lieutenant governor; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the primary canvass to the county clerks not later than the August 1 after the primary election.

(6) (a) At noon on the ~~[Tuesday]~~ the day that falls ~~[two weeks after]~~ seven days after the last day on which a county canvass may occur under Section 20A-4-301 for the Western States Presidential Primary election, the lieutenant governor shall:

(i) canvass the returns; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the Western States Presidential Primary canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.

Section 3. Section **20A-6-101** is amended to read:

20A-6-101. General requirements for paper ballots.

(1) Each election officer shall ensure that paper ballots:

(a) are printed on only one side of the paper;

(b) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;

(c) are printed using precisely the same quality and kind of type;

(d) are printed using precisely the same quality and tint of plain black ink;

(e) are uniform in size for all the voting precincts within the election officer's jurisdiction;

(f) include, in elections where write-in voting is authorized, a write-in column immediately ~~[to the right of]~~ adjacent to the last column on the ballot that is long enough to contain as many written names of candidates as there are persons to be elected with:

(i) the offices to be filled printed above the blank spaces on the ticket; and

(ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle.

(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Section 4. Section **20A-6-301** is amended to read:

20A-6-301. Paper ballots -- Regular general election.

(1) Each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words " Poll Worker's Initial ____ " are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Ballot for ____ County, Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words "county clerk";

(d) each ticket is placed in a separate column on the ballot in the order determined by the election officer with the party emblem, followed by the party name, at the head of the column;

(e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

(f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;

(g) unaffiliated candidates and candidates not affiliated with a registered political party are listed in one column, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";

(h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(j) the names of candidates are printed in capital letters, not less than 1/8 nor more than

219 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
220 an inch apart;

221 (k) a square with sides measuring not less than 1/4 of an inch in length is printed [~~at the~~
222 ~~right of~~] immediately adjacent to the name of each candidate;

223 (l) for the offices of president and vice president and governor and lieutenant governor,
224 one square with sides measuring not less than 1/4 of an inch in length is printed on the same
225 side as but opposite a double bracket enclosing [~~the right side of~~] the names of the two
226 candidates;

227 (m) immediately [~~to the right of~~] adjacent to the unaffiliated ticket on the ballot, the
228 ballot contains a write-in column long enough to contain as many written names of candidates
229 as there are persons to be elected with:

230 (i) for each office on the ballot, the office to be filled plainly printed immediately
231 above:

232 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
233 square with sides measuring not less than 1/4 of an inch in length printed [~~at the right of~~]
234 immediately adjacent to the blank horizontal line; or

235 (B) for the offices of president and vice president and governor and lieutenant
236 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
237 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
238 length printed on the same side as but opposite a double bracket enclosing [~~the right side of~~]
239 the two blank horizontal lines; and

240 (ii) the words "Write-In Voting Column" printed at the head of the column without a
241 1/2 inch circle;

242 (n) when required, the ballot includes a nonpartisan ticket placed immediately [~~to the~~
243 ~~right of~~] adjacent to the write-in ticket with the word "NONPARTISAN" in reverse type in an
244 18-point solid rule running vertically the full length of the nonpartisan ballot copy; and

245 (o) constitutional amendments or other questions submitted to the vote of the people,
246 are printed on the ballot after the list of candidates.

247 (2) Each election officer shall ensure that:

248 (a) each person nominated by any political party or group of petitioners is placed on the
249 ballot:

(i) under the party name and emblem, if any; or

(ii) under the title of the party or group as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight-point;

(b) the words designating the office are printed flush with the left-hand margin;

(c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are candidates;

(e) the names in each group are placed in alphabetical order with the surnames last, except for candidates for the State Board of Education and local school boards;

(f) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A-14-105;

(g) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot;

(h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk; and

(i) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to the number to be elected.

(4) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; and

(c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

Section 5. Section **20A-6-303** is amended to read:

20A-6-303. Regular general election -- Ballot sheets.

(1) Each election officer shall ensure that:

(a) copy on the ballot sheets or ballot labels, as applicable, are arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

(c) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) (i) a voting square or position is included where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch; and

(ii) the name of each political party listed in the straight party selection area includes the word "party" at the end of the party's name;

(e) the tickets are printed in the order determined by the county clerk;

(f) the office titles are printed [~~above or at the side of~~] immediately adjacent to the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(g) the party designation of each candidate is printed [~~to the right or below~~] immediately adjacent to the candidate's name; and

(h) (i) if possible, all candidates for one office are grouped in one column or upon one page;

(ii) if all candidates for one office cannot be listed in one column or grouped on one page:

(A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of candidates is continued on the following column or page; and

(B) approximately the same number of names shall be printed in each column or on each page.

(2) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are listed in accordance with Section 20A-6-107; and

(c) bond propositions that have qualified for the ballot are listed under the title assigned to each bond proposition under Section 11-14-206.

Section 6. Section **20A-6-401** is amended to read:

20A-6-401. Ballots for municipal primary elections.

(1) Each election officer shall ensure that:

(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;

(ii) the ballot number and the words [~~"Judge's"~~] "Poll Worker's" Initial ____ " are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for ____ (City or Town), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type; and

(c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

(d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(e) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;

(f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(g) a square with sides not less than 1/4 inch long is printed ~~[to the right of]~~ immediately adjacent to the names of the candidates; and

(h) the candidate groups are separated from each other by one light and one heavy line or rule.

(2) A municipal primary ballot may not contain any space for write-in votes.

Section 7. Section **20A-6-401.1** is amended to read:

20A-6-401.1. Ballots for partisan municipal primary elections.

(1) If a municipality is using paper ballots, each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular primary election:

(i) are perforated to separate the candidates of one political party from those of the other political parties so that the voter may separate the part of the ballot containing the names of the political party of the voter's choice from the rest of the ballot;

(ii) have sides that are perforated so that the outside sections of the ballot, when detached, are similar in appearance to the inside sections of the ballot when detached; and

(iii) contain no captions or other endorsements except as provided in this section;

(b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(c) the political parties are printed on the ballot in the order determined by the county clerk;

(d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the top of the ballot;

(ii) the ballot number and the words "Poll Worker's Initials ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(e) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for ____ County, Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words "county clerk";

(f) after the facsimile signature, the political party emblem and the name of the political party are printed;

(g) after the party name and emblem, the ballot contains the following printed in not smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, place a cross (X) in the square ~~[at the right of]~~ immediately adjacent to the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;

(h) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;

(i) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(j) a square with sides not less than 1/4 inch long is printed ~~[to the right of]~~ immediately adjacent to the names of the candidates;

(k) the candidate groups are separated from each other by one light and one heavy line or rule; and

(l) the nonpartisan candidates are listed as follows:

(i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of the party listing above; and

(ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.

(2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer may require that:

(i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary election consist of several groups of pages or display screens, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

(ii) the separate groups of pages or display screens are identified by color or other suitable means; and

(iii) the ballot or ballot label contain instructions that direct the voter how to vote the ballot.

(b) If a municipality is using ballot sheets or electronic ballots, each election officer shall:

(i) for municipalities using punch card ballots, ensure that the ballot label provides a means for the voter to designate the political party in whose primary the voter is voting; and

(ii) determine the order for printing the names of the political parties on the ballot label.

Section 8. Section **20A-6-402** is amended to read:

20A-6-402. Ballots for municipal general elections.

(1) When using a paper ballot at municipal general elections, each election officer shall ensure that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and

(ii) the names of those candidates are placed upon the municipal general election ballot;

(d) a write-in area is placed upon the ballot that contains, for each office:

(i) a blank, horizontal line to enable the entry of a valid write-in candidate; and

(ii) a square or other conforming area that is adjacent to or opposite the blank

horizontal line to enable the voter to indicate the voter's vote;

(e) ballot propositions that have qualified for the ballot, including propositions

submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are

listed on the ballot in accordance with Section 20A-6-107; and

(f) bond propositions that have qualified for the ballot are listed on the ballot under the

title assigned to each bond proposition under Section 11-14-206.

(2) When using a punch card ballot at municipal general elections, each election officer

shall ensure that:

(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across

the top of the ballot;

(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the

stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are

printed in 18-point bold type:

(i) "Official Ballot for ____ (City or Town), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in

eight-point type;

(c) immediately below the election officer's title, two one-point parallel horizontal

rules separate endorsements from the rest of the ballot;

(d) immediately below the horizontal rules, an "Instructions to Voters" section is

printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the

square following the name(s) of the person(s) you favor as the candidate(s) for each respective

office." followed by two one-point parallel rules;

(e) after the rules, the designation of the office for which the candidates seek election is

printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or

more" are printed to extend to the extreme right of the column in ten-point bold type, followed

by a hair-line rule;

(f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(g) a square with sides not less than 1/4 inch long is printed ~~[to the right of]~~ immediately adjacent to the names of the candidates;

(h) following the name of the last candidate for each office, the ballot contains:

(i) a write-in space for each elective office where the voter may enter the name of a valid write-in candidate; and

(ii) a square printed ~~[to the right of]~~ immediately adjacent to the write-in space or line where the voter may vote for the valid write-in candidate; and

(i) the candidate groups are separated from each other by one light and one heavy line or rule.

(3) When using a ballot sheet other than a punch card ballot at municipal general elections, each election officer shall ensure that:

(a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are printed:

(i) "Official Ballot for ____ (City or Town), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title;

(c) immediately below the election officer's title, a distinct border or line separates endorsements from the rest of the ballot;

(d) immediately below the border or line, an "Instructions to Voters" section is printed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by another border or line;

(e) after the border or line, the designation of the office for which the candidates seek election is printed and the words: "Vote for one" or "Vote for two or more" are printed, followed by a line or border;

- 498 (f) after the line or border, the names of the candidates are printed alphabetically
499 according to surnames with surnames last and grouped according to the office that they seek;
- 500 (g) an oval is printed adjacent to the names of the candidates;
- 501 (h) following the name of the last candidate for each office, the ballot contains:
- 502 (i) a write-in space or blank line for each elective office where the voter may enter the
503 name of a valid write-in candidate; and
- 504 (ii) an oval is printed adjacent to the write-in space or line where the voter may vote for
505 the valid write-in candidate; and
- 506 (i) the candidate groups are separated from each other by a line or border.
- 507 (4) When using an electronic ballot at municipal general elections, each election officer
508 shall ensure that:
- 509 (a) the following endorsements are displayed on the first screen of the ballot:
- 510 (i) "Official Ballot for ____ (City or Town), Utah";
- 511 (ii) the date of the election; and
- 512 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 513 (b) immediately below the election officer's title, a distinct border or line separates the
514 endorsements from the rest of the ballot;
- 515 (c) immediately below the border or line, an "Instructions to Voters" section is
516 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
517 the candidate(s) for each respective office." followed by another border or line;
- 518 (d) after the border or line, the designation of the office for which the candidates seek
519 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,
520 followed by a line or border;
- 521 (e) after the line or border, the names of the candidates are displayed alphabetically
522 according to surnames with surnames last and grouped according to the office that they seek;
- 523 (f) a voting square or position is located adjacent to the name of each candidate;
- 524 (g) following the name of the last candidate for each office, the ballot contains a
525 write-in space where the voter may enter the name of and vote for a valid write-in candidate for
526 the office; and
- 527 (h) the candidate groups are separated from each other by a line or border.
- 528 (5) When a municipality has chosen to nominate candidates by convention or

529 committee, the election officer shall ensure that the party name is included with the candidate's
530 name on the ballot.

531 Section 9. Section **20A-7-101** is amended to read:

532 **20A-7-101. Definitions.**

533 As used in this chapter:

534 (1) "Budget officer" means:

535 (a) for counties, the person designated as budget officer in Section 17-19-19;

536 (b) for cities, the person designated as budget officer in Subsection 10-6-106(5); or

537 (c) for towns, the town council.

538 (2) "Certified" means that the county clerk has acknowledged a signature as being the
539 signature of a registered voter.

540 (3) "Circulation" means the process of submitting an initiative or referendum petition
541 to legal voters for their signature.

542 (4) "Final fiscal impact statement" means a financial statement prepared after voters
543 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
544 20A-7-502.5(2).

545 (5) "Initial fiscal impact estimate" means a financial statement prepared according to
546 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an
547 initiative petition.

548 (6) "Initiative" means a new law proposed for adoption by the public as provided in
549 this chapter.

550 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
551 law, and the signature sheets, all of which have been bound together as a unit.

552 (8) "Legal signatures" means the number of signatures of legal voters that:

553 (a) meet the numerical requirements of this chapter; and

554 (b) have been certified and verified as provided in this chapter.

555 (9) "Legal voter" means a person who:

556 (a) is registered to vote; or

557 (b) becomes registered to vote before the county clerk certifies the signatures on an
558 initiative or referendum petition.

559 (10) (a) "Local law" includes an ordinance, resolution, master plan, and any

comprehensive zoning regulations adopted by ordinance or resolution.

(b) "Local law" does not include individual property zoning decisions.

(11) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

(12) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

(13) "Local legislative body" means the legislative body of a county, city, or town.

(14) "Measure" means ~~[an]~~ a proposed constitutional amendment, an initiative, or referendum.

(15) "Referendum" means a law passed by the Legislature or by a local legislative body that is being submitted to the voters for their approval or rejection.

(16) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(17) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

(18) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(19) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

(20) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Section 10. Section **20A-7-210** is amended to read:

20A-7-210. Form of ballot -- Manner of voting.

(1) The county clerks shall ensure that the number and ballot title verified to them by the lieutenant governor are ~~[printed]~~ presented upon the official ballot with, immediately ~~[to the right of]~~ adjacent to them, the words "For" and "Against," each word ~~[followed by a]~~ presented with an adjacent square in which the elector may indicate his vote.

(2) Electors desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square ~~[following]~~ adjacent to the word "For," and those desiring to vote against enacting the law proposed by the initiative petition shall mark the square ~~[following]~~

591 adjacent to the word "Against."

592 Section 11. Section **20A-7-309** is amended to read:

593 **20A-7-309. Form of ballot -- Manner of voting.**

594 (1) The county clerks shall ensure that the number and ballot title verified to them by
595 the lieutenant governor are [~~printed~~] presented upon the official ballot with, immediately [~~to~~
596 ~~the right of~~] adjacent to them, the words "For" and "Against," each word [~~followed by a~~]
597 presented with an adjacent square in which the elector may indicate his vote.

598 (2) Voters desiring to vote in favor of enacting the law proposed by the referendum
599 petition shall mark the square [~~following~~] adjacent to the word "For," and those desiring to vote
600 against enacting the law proposed by the referendum petition shall mark the square [~~following~~]
601 adjacent to the word "Against."

602 Section 12. Section **20A-7-509** is amended to read:

603 **20A-7-509. Form of ballot -- Manner of voting.**

604 (1) The local clerk shall ensure that the number and ballot title are [~~printed~~] presented
605 upon the official ballot with, immediately [~~to the right of~~] adjacent to them, the words "For"
606 and "Against," each word [~~followed by a~~] presented with an adjacent square in which the
607 elector may indicate his vote.

608 (2) Electors desiring to vote in favor of enacting the law proposed by the initiative
609 petition shall mark the square [~~following~~] adjacent to the word "For," and those desiring to vote
610 against enacting the law proposed by the initiative petition shall mark the square [~~following~~]
611 adjacent to the word "Against."

612 Section 13. Section **20A-7-609** is amended to read:

613 **20A-7-609. Form of ballot -- Manner of voting.**

614 (1) The local clerk shall ensure that the number and ballot title are [~~printed~~] presented
615 upon the official ballot with, immediately [~~to the right of~~] adjacent to them, the words "For"
616 and "Against," each word [~~followed by a~~] presented with an adjacent square in which the
617 elector may indicate his vote.

618 (2) (a) Except as provided in Subsection (2)(c), and unless the county legislative body
619 calls a special election, the county clerk shall ensure that county referenda that have qualified
620 for the ballot appear on the next regular general election ballot.

621 (b) Unless the municipal legislative body calls a special election, the municipal

recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear on the next regular municipal election ballot.

(c) For referenda held in relation to the adoption of an ordinance imposing a county option sales and use tax under Section 59-12-1102, the county clerk shall ensure that referenda that have qualified for the ballot appear on the ballot at the earlier of:

(i) the next regular general election that is more than 155 days after the date of the adoption of the ordinance; or

(ii) the next municipal general election that is more than 155 days after the date of the adoption of the ordinance.

(3) Voters desiring to vote in favor of enacting the law proposed by the referendum petition shall mark the square ~~[following]~~ adjacent to the word "For," and those desiring to vote against enacting the law proposed by the referendum petition shall mark the square following the word "Against."

Section 14. Section **20A-9-206** is amended to read:

20A-9-206. Fair campaign practices -- Voluntary pledge -- Pledge is a public record -- Retention requirements.

(1) Each person seeking to become a candidate for any elective office that is to be filled at the next election shall be provided with a copy of the pledge of fair campaign practices.

(2) The pledge shall be in the following form:

"PLEDGE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

I SHALL conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or

the candidate's immediate family. I shall not participate in ~~[or]~~, nor shall I permit the use of, defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees or volunteers.

I SHALL immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

I SHALL defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

Name: _____

Signature: _____ Date: _____

(3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be distributed to persons filing a declaration of candidacy.

(4) A pledge that is submitted for filing by a candidate is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(5) The filing officer shall:

(a) accept all signed pledges that are submitted for filing; and

(b) retain each filed pledge for public inspection for 30 calendar days after the election.

(6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair

684 campaign practices.

685 Section 15. Section **20A-9-502** is amended to read:

686 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

687 (1) The candidate shall:

688 (a) prepare a certificate of nomination in substantially the following form:

689 "State of Utah, County of _____

690 I, _____, declare my intention of becoming an unaffiliated candidate for the
691 political group designated as _____ for the office of _____. I do solemnly swear that I can
692 qualify to hold that office both legally and constitutionally if selected, and that I reside at _____
693 Street, in the city of _____, county of _____, state of Utah, zip code _____, phone _____, and that I
694 am providing, or have provided, the required number of signatures of registered voters required
695 by law; that as a candidate at the next election I will not knowingly violate any election or
696 campaign law~~[-and that I will qualify for the office if I am elected to it.];~~ I will file all
697 campaign financial disclosure reports as required by law; and I understand that failure to do so
698 will result in my disqualification as a candidate for this office and removal of my name from
699 the ballot.

700

701 _____
Subscribed and sworn to before me this _____(month\day\year).

702

703 _____
Notary Public (or other officer
704 qualified to administer oaths)"; and

705 (b) attach signature sheets to the certificate that contain a place for the registered
706 voter's signature, a place for the registered voter to print his name, and a place for the registered
707 voter's address.

708 (2) (a) The candidate shall circulate the nomination petition and submit it to the county
709 clerk for certification when the petition has been completed by:

710 (i) at least 1,000 registered voters residing within the state when the nomination is for
711 an office to be filled by the voters of the entire state; or

712 (ii) at least 300 registered voters residing within a political division or at least 5% of
713 the registered voters residing within a political division, whichever is less, when the
714 nomination is for an office to be filled by the voters of any political division smaller than the

715 state.

716 (b) In reviewing the petition, the county clerk shall count and certify only those persons
717 who signed the petition who:

718 (i) are registered voters within the political division that the candidate seeks to
719 represent; and

720 (ii) did not sign any other certificate of nomination for that office.

721 (c) The candidate may supplement or amend the certificate of nomination at any time
722 on or before the filing deadline.

723 Section 16. Section **20A-9-503** is amended to read:

724 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

725 (1) After the certificate of nomination has been certified, executed, and acknowledged
726 by the county clerk, the candidate shall:

727 (a) between March 7 and 5 p.m. on March 17 of the year in which the regular general
728 election will be held, file the petition in person with:

729 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
730 a federal office; or

731 (ii) the county clerk, if the office the candidate seeks is a county office; and

732 (iii) pay the filing fee; or

733 (b) not later than [~~the sixth Tuesday before the primary election date~~] 5 p.m. on July 15
734 of any odd-numbered year, file the petition in person with:

735 (i) the municipal clerk, if the candidate seeks an office in a city or town;

736 (ii) the local district clerk, if the candidate seeks an office in a local district; and

737 (iii) pay the filing fee.

738 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
739 read the constitutional and statutory requirements for candidacy to the candidate.

740 (b) If the candidate states that he does not meet the requirements, the filing officer may
741 not accept the petition.

742 (3) (a) Persons filing a certificate of nomination for President of the United States
743 under this section shall pay a filing fee of \$500.

744 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
745 President or Vice President of the United States:

(i) may file the certificate of nomination between March 7 and 5 p.m. on August 15 of the year in which the regular general election will be held; and

(ii) may use a designated agent to file the certificate of nomination.

Section 17. Section **20A-9-601** is amended to read:

20A-9-601. Qualifying as a write-in candidate.

(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy in person or through a designated agent for a candidate for President or Vice President of the United States with the appropriate filing officer not later than 30 days before the regular general election or municipal general election in which the person intends to be a write-in candidate.

(b) (i) The filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office; and

(B) ask the candidate whether or not the candidate meets the requirements.

(ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(2) A write-in candidate in towns need not prequalify with the filing officer.

(3) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Section 18. Section **20A-11-206** is amended to read:

20A-11-206. State office candidate -- Failure to file reports -- Penalties.

(1) (a) If a state office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely mailed, inform the county clerk and other appropriate election officials who:

(i) shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or

(ii) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(iii) may not count any votes for that candidate.

(b) Any state office candidate who fails to file timely a financial statement required by ~~[this part]~~ Section 20A-11-204 is disqualified and the vacancy on the ballot may be filled as provided in Section 20A-1-501.

(c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not disqualified if:

(i) the candidate files the reports required by this section;

(ii) those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each state office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for any state office candidate to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.

(ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

Section 19. Section **20A-11-305** is amended to read:

20A-11-305. Legislative office candidate -- Failure to file report -- Name not printed on ballot -- Filling vacancy.

(1) (a) If a legislative office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely mailed, inform the county clerk and other appropriate election officials who:

(i) shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or

(ii) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(iii) may not count any votes for that candidate.

(b) Any legislative office candidate who fails to file timely a financial statement required by ~~[this part]~~ Section 20A-11-303 is disqualified and the vacancy on the ballot may be filled as provided in Section 20A-1-501.

(c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not disqualified if:

(i) the candidate files the reports required by this section;

(ii) those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each legislative office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any legislative office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the

falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the legislative office candidate of the violation or written complaint and direct the legislative office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for any legislative office candidate to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.

(ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

Section 20. Section **20A-15-104** is amended to read:

20A-15-104. Ballot -- Form -- Manner of marking and voting.

(1) The requirements of this section govern the form of the ballot and the specific procedures for electing delegates to the ratification convention.

(2) Each county clerk shall ensure that the ballot to select delegates to the ratification convention:

(a) is separate from and printed on different color stock than any other ballot to be used at the same election;

(b) contains the following information in this order:

(i) the text of the proposed amendment;

(ii) instructions to the voter;

(iii) three perpendicular columns of equal width;

(iv) at the head of the first perpendicular column, in plain type, the words "For Ratification of Proposed Change in Constitution of the United States;"

(v) at the head of the second perpendicular column, in plain type, the words "Against Ratification of Proposed Change in Constitution of the United States;"

(vi) no heading or names at the head of the third perpendicular column;

(vii) in the column headed "For Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as in favor of ratification;

(viii) in the column headed "Against Ratification of Proposed Change in Constitution

870 of the United States," the names of the nominees nominated as against ratification; and
871 (ix) in the column without heading, spaces permitting the voter to write in other names;
872 and

873 (c) is arranged so that the voter may, by making a single mark, vote for the entire group
874 of nominees whose names are contained in any column.

875 (3) Each county clerk shall ensure that the ballot to select delegates to the ratification
876 convention is in substantially the following form:

877 "OFFICIAL BALLOT for delegates to convention to ratify or reject proposed
878 amendment to the Constitution of the United States. The Congress has proposed an amendment
879 to the Constitution of the United States that provides: (insert here the text of the proposed
880 amendment).

881 The Congress has also directed that the proposed amendment be ratified by conventions in the
882 states.

883 INSTRUCTIONS TO VOTERS

884 Do not vote for more than 21.

885 To vote for all candidates in favor of ratification, or for all candidates against
886 ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom
887 you wish to vote. If you do this, make no other mark.

888 To vote for an individual candidate, make a cross-mark in the SQUARE [~~at the right of~~]
889 immediately adjacent to the name.

890 To vote for a person other than candidates listed on the ballot, write in the person's
891 name in blank column.

892 For ratification of proposed change in Constitution of the United States.

893 (Name of Candidate) _____

894 Against ratification of proposed change in Constitution of the United States.

895 (Name of Candidate) _____ "

896 (4) If the election of delegates to the ratification convention is held at the same time as
897 the regular general election, the county clerk shall:

898 (a) give the same ballot number to a regular general election ballot and a ballot to elect
899 delegates to a ratification convention;

900 (b) direct the election judges to:

901 (i) hand to each voter the general election ballot and the ratification convention ballot
902 with identical ballot numbers;
903 (ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and
904 (iii) mark any ballot "void" that the voter declines to use and return it to the county
905 clerk.
906 (5) Each voter shall indicate his choice by making one or more cross-marks in the
907 appropriate spaces provided on the ballot.